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THE RAYMOND & ELY VS. THE KENTUCKY MINING COMPANY.

Judge Beatty's Decision. State of Nevads, County of Lincoln-In the District Court of the Seventh Dis-

rict.
The Raymond & Ely Mining Company, a
Corporation—Plaintiff, against the Kentacky Gold and Silver Mining Company
—a Corporation, Defendant.

doubted, and Sherwood elected Recorder of the Bistrict.

As was to be expected in the trial of a cause of such magnitude no pains were spared by the parties or the distinguished counsel who represented them, to produce all the attainable evidence, and enforce every legitimate argument bearing upon the issues involved. In fact it resulted that the Court was occupied fourteen days in hearing the testimony, and two days in addition with the argument. When the case was submitted for decision, at the close of the argument, there was but one point decisive of the controversy as to which I felt tolerably satisfied. I considered then that there had been a failure on the part of the defendant to establish the identity of the vein mpon which the Kentucky Company location was made with that in controversy, and I might have given the plaintiff a judgment on that point alone. But a decision resting upon that point alone would have been equally unsatisfactory to the parties and to myself. It was desired upon all hands that other more important and more interesting questions involved in the controversy should receive a fail discussion. For that reason, I felt obliged to reserve my opinion until i should have an opportunity of reviewing the testimony and the authorities which were cited during the argument. The anxiety of the parties for an early decision, and its importance in view of the voluminous mass of the testimony much less time, and much less scrutinizing attention than were to be desired. The same considerations will prevent me from giving with any fullness the grounds of the onclusional I have reached the formuda of the onclusional thave seen the form the discovery.

Art. 4 Provides that "all claips shall be measured in a horizontal line and numbered one, two, three, etc. from the discovery.

Art. 5. Each company must do one faitful day's work on their claim each month, after the sadoption of the onclusions of the onclusions of the onclusions of the onclusions of the once of the parties for an early decision, and it

Nevada.

In March, 1864, or earlier, the croppings of the vein had been pointed out by an Indian to Win. H. Hamblin, who, with others, staked off several mining claims along what appeared to be its course, calling the location by the Indian name of metal—panacaor panacker.

On the 17th of March, 1864, Hamblin and Daniel C. Cill, two of these earliest locators, were found upon the ground by the laws Shutt next proceeded to record in the purpose, giving the name of each number and owner, etc. locators, were found upon the ground by Stephen Sherwood, Thomas Box and J. N. Vandermark, members of the pros-pecting expedition from Great Salt Lake City. There were some stakes on the digging had been done on the croppings of the vein at the point known as the Discovery Point, about fifteen feet north-

Discovery Point, about fifteen feet northeast from the shalt afterwards sunk, and
since known as the old Panaca shaft.

The Sherwood party, who had brought
with them a copy of a code of mining
laws in force in some of the mining districts of Utah, proposed to Cill and
Hamblin that they should unite with
them in organizing a Mining District
with a similar code of laws for the purpose of protecting their locations and depose of protecting their locations and de fining their rights. This proposition was not at first distinctly assented to by Hamblin and Cill; but at Sherwood's cambin and Cill; but at Sherwood's request, and in order that the Salt Lake party might have an opportunity of locating the unclaimed portions of the vein, they pointed out the limits of their claims and those of their friends, and co-operated with Sherwood and his party in setting stakes and posting notices for the purpose of more clearly defining those limits. They first set a stake at the discovery point, and then taking the purpose of more clearly defining those limits. They first set a stake at the discovery point, and then taking the apparent course of the vein, as indicated by the croppings exposed at the discovery point, they stepped off a discovery point, they stepped off a discovery point, they stepped off a discovery to an off the two hundred feet in a course south, 17 deg, west, and set a second stake to mark the southern boundary of what they called the discovery claim of Wm. Hamblin. They next stepped off a distance of one hundred and fifty feet from this point on the same course, and Thomas liox set a stake to mark the southern boundary of what they called claim No. 1, south of discovery claim, belonging to William Pulsifer. They then returned to the discovery point and stepped off a distance of eight hundred feet in the opposite direction to a point where Sherwood set a stake to mark the northern boundary of the claims of Daniel C. Cill, A Gibbons, B. Crow and H. Chamu. "him.

Having planted these stakes, they next proceeded to post three notices—one on the stake at the southern end of the Pulsifer claim and the third on the stake eight hundred feet north of discovery point, what were long since disappeared from the ground.

That posted at discovery point was, in what we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at discovery point was, in which we can be staked at the southern.

That posted at discovery point was, in substance, the same as the record of it afterwards made, with the exceptions which will be noticed when that record comes to be contacted.

comes to be spoken of.

The notice posted at the southern end of the Pulsifer claim, claimed for Thos.

Box two hundred test of the lode as claims No. 2, south of discovery claim No. 3, south; for Stephen Sherwood two

PIOCHE DAILY RECORI

VOL. VII.

PIOCHE, NEVADA, WEDNESDAY, DECEMBER 10, 1873.

NO. 72.

hundred feet as claim No. 4, south; for J.
N. Vandermark two hundred feet as
claim No. 5, south; for S. S. Shutt, two
hundred as claim No. 6, south, and for
various other claims up to No. 12, south.
What sort of notice was placed on the
north stake is numbertant if it were north stake is nuimportant if it were

known.

Having thus made their locations, all hands went to work in the croppings at discovery point, and during several hours were engaged in digging out and piling up the ore.

At sunset Hamblin and Cill accompanied the Wilt Lake party to their camp.

At sunset Hamblin and Cill accompanied the Salt Lake party to their camp, which was at Meadow Valley, about ten miles south of the Panaca claims.

The controversy involves the title to one thousand feet of the silver lode situated in Pioche, Lincoln County, Novala, now commonly known as the Raymond & Ely vein.

The value of this mining ground is understood to be very great, and that of the ore which has been extracted from it by the plaintiff still greater, the aggregate of the two amounting, as stated during the argument, to four or five millions of dollars.

As was to be expected in the trial of a secondary of the District.

Time dately after the adoption of these laws and the election of Sherwood as Re-

constrained me to devote to this review of the voluminous mass of the testimony much less time, and much less scrutinizing attention than were to be desired.

The same considerations will prevent me from giving with any fullness the grounds of the conclusions I have reached as to the facts of the case.

It may indeed be that any sort of review or analysis of the testimony would have been wholly out of place in these findings, but nevertheless it would have been more satisfactory to have gone

are as follows:

California corporations are as follows:

California corporations

Contents are as follows:

California corporations

California c

The parties are California corporations carrying on the business of mining for silver in Pioche, in this State. The plaintiff claims the ground in controversy under four separate locations, of which I shall notice only two—the Panaca and the Lightner. The defendant claims under the Kentucky location.

As to these locations, the facts are as follows:

Prior to the year 1866 that part of Lincoln county, where the Raymond & Elyvein is situated, belonged to the Territory of Utah. By the act of Congress of May 5, 1866, Chap 42, and by the subspace to location or relocation or relocation or parties ever after, except by an acknowl-May 5, 1866, Chap. 42, and by the subsequent action of the Legislature of this state it was transfered to the State of the ground, which shall be construed to

After recording the laws Shutt next proceeded to record in the same book the mining locations that had been made, in-cluding those on the Panaca. In making this record he suggested that it would be ty. There were some stakes on the batter to make it in the form of a certi-claims previously located, and some ties were locators of certain claims, than simply to copy into the record the noground. The suggestion was approved by Sherwood, Vandermark, Shirts and the Boxes, who were present in Salt Lake City, where the record was being made. Shutt thereupon made the records as hereafter set forth with the consent and approval of the parties interested.

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[TO BE CONTINUED.]

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